

**MAZIE SLATER KATZ & FREEMAN, LLC**

103 Eisenhower Parkway, Suite 207, Roseland, NJ 07068

Phone: (973) 228-9898 - Fax: (973) 228-0303

[www.mazieslater.com](http://www.mazieslater.com)

David A. Mazie\*  
Adam M. Slater\*<sup>o</sup>  
Eric D. Katz\*<sup>o</sup>  
David M. Freeman  
Beth G. Baldinger  
Matthew R. Mendelsohn<sup>o</sup>  
David M. Estes

\*Certified by the Supreme Court of  
New Jersey as a Civil Trial Attorney

Karen G. Kelsen<sup>o</sup>  
Adam M. Epstein<sup>o</sup>  
Cory J. Rothbort\*<sup>o</sup>  
Michael R. Griffith<sup>o</sup>  
Christopher J. Geddis  
Samuel G. Wildman  
Julia S. Slater<sup>o</sup>  
Trevor D. Dickson

<sup>o</sup>Member of N.J. & N.Y. Bars

December 14, 2021

**VIA CM/ECF**

Honorable Thomas I. Vanaskie, Special Master  
Stevens & Lee, P.C.  
1500 Market Street, East Tower, 18th Floor  
Philadelphia, Pennsylvania 19103

Re: *In re Valsartan, Losartan, and Irbesartan Products Liability Litigation*,  
No. 1:19-md-02875-RBK (D.N.J.)

Dear Judge Vanaskie:

Plaintiffs respectfully submit this letter in advance of the December 15, 2021 status conference.

**1. Time Allotted for the Depositions of Class Certification Experts**

F.R.C.P. 30(d)(1) contemplates that a deposition is *limited* to 1 day of 7 hours. Defendants wish to abrogate the limit in this rule and conduct 10 hours of examination over 2 days as to all of Plaintiffs' class certification experts. Plaintiffs object and, further, seek to limit the duration of certain of these experts' depositions as follows:

Expert Deponent	Area of Expertise	Length of Report	Proposed Duration
Conti	health economist/ damage model	35 pages	7 hours
Craft	drug supply chain/ ascertainability	48 pages	7 hours
Quick	cGMP	37 pages	7 hours

Hon. Thomas I. Vanaskie, Special Master  
December 14, 2021  
Page 2

Kaplan	oncology/medical screening	7 pages	4 hours
Song	internal medicine/ screening cost	27 pages	4 hours
Panagos	TPP industry	11 pages	2 hours
Najafi	chemistry	7 pages	2 hours

Plaintiffs' counsels' collective experience in conducting depositions of class certification experts is that they can be completed well within the seven-hour limit and, in many instances, well under seven hours. Plaintiffs remind the Court that these experts *have not provided merits reports* – which are to follow after a certification ruling and another opportunity for Defendants to depose on the merits – and several of these experts have offered extremely narrow opinions limited to one or two points over just a few pages of writing. Dr. Najafi, just to cite one example, has narrowly opined that contaminated valsartan is chemically different than uncontaminated Valsartan as approved in the ANDA, a point that is hardly controversial and likely can be agreed to by Defendants. Why would more than 2 hours be required to examine this witness as to this narrow, limited opinion?

Accordingly, Plaintiffs propose the duration for the conduct of these depositions as set forth above with the clear understanding that upon good cause, not to be unreasonably withheld if requested of Plaintiffs by Defendants (and vice versa), the duration of these examinations can be enlarged under F.R.C.P. 30(d)(3)(A).

## **2. Parties' Proposed Agreement on Font Size for Class Certification Briefing**

The Parties have agreed to allow Defendants to use 12-point font for their oppositions to Plaintiffs' motions for certification.

## **3. Dismissal of Withdrawn Class Representatives**

On Friday afternoon, Defendants demanded for the first time that Plaintiffs agree to file notices of dismissal for withdrawn class representatives. Conceptually, Plaintiffs do not oppose

Hon. Thomas I. Vanaskie, Special Master

December 14, 2021

Page 3

filing such notices after fully assessing the status of all proposed class representatives.

Accordingly, Plaintiffs do not believe this issue warrants the Court's attention at this time.

Thank you for your courtesies and consideration.

Respectfully,



---

ADAM M. SLATER

cc: All Counsel (via CM/ECF)